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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,378	08/20/2004	Joachim Schmidl	3073	5161

7590
Striker Striker & Stenby
103 East Neck Road
Huntington, NY 11743

05/17/2007

EXAMINER

PREVIL, DANIEL

ART UNIT	PAPER NUMBER
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2612

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/505,378

Applicant(s)

SCHMIDL, JOACHIM

Examiner

Daniel Previl

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to communication filed on February 22, 2007.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muggli et al. (US 4,568,919) in view of Lewis et al. (US 6,236,217).

Regarding claim 1, Muggli discloses a danger warning system (abstract) with modules (ME1-MEN) connected via at least one series connection (fig. 1; col. 5, lines 10-25).

Muggli discloses all the limitations above but fails to explicitly disclose means are provided in the central station for determining a distance between the central station and modules to determine an installation site of each of the modules in the system; wherein the modules are triggered by the central station such that an energy store is charged in the central station, whereby the means for determining the distance evaluate the charging time of the energy store which is indicative of the installation site of each of the module.

However, Lewis discloses means are provided in the central station (base station 4 in fig. 1) for determining a distance between the central station and modules (sensors 5a-5e in fig. 1) to determine an installation site of each of the

modules in the system (fig. 1; col. 2, lines 49-56); wherein the modules are triggered by the central station such that an energy store (capacitor in base station 4 in fig. 1) is charged in the central station (base station 4 in fig. 1), whereby the means for determining the distance evaluate the charging time of the energy store which is indicative of the installation site of each of the module (fig. 1; col. 2, lines 49-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Lewis's distance between central station and modules into Muggli's system. Doing so would modify Muggli's system with Lewis's distance between central station and modules to accurately determine a fault is present thereby taking immediate and appropriate actions to remedy this situation wherein improving the performance of the system.

Regarding claim 2, Muggli discloses the energy store is a capacitor (col. 8, lines 65-68), whereby the voltage is capable of being monitored via the capacitor using a comparator (Zener diode D7) (col. 8, line 63) and a counter for measuring the charging time is provided (col. 8, lines 58-68; col. 9, lines 1-10), whereby the series is configured as a chain of resistors (fig. 4; col. 9, lines 10-39).

Regarding claim 3, Muggli discloses switches (SB, SC) are provided that can switch the energy store between an operating phase and a discharge phase (col. 8, lines 50-68).

Regarding claim 4, Muggli discloses a reference measurement of the energy store (fig. 4; col. 8, lines 58-68).

Response to Arguments

3. Applicant's arguments filed on February 22, 2007 have been fully considered but they are not persuasive.

According to Applicant's arguments on page 3 "Lewis's base station does not comprise capacitors". The examiner respectfully disagrees with the Applicant because Lewis clearly discloses two capacitors within the base station 4 (Fig. 1).

The Applicant argues "Lewis does not disclose that an energy store is charged in the central station". The examiner strongly disagrees with the Applicant because Lewis discloses two capacitors within the base station 4 (fig. 1). The energy is stored in the capacitors (fig. 1).

According to Applicant's arguments on page 3 "Lewis does not disclose the charging time is evaluated". The examiner disagrees with the Applicant because Lewis discloses the charging time is evaluated (col. 2, lines 50-56).

According to Applicant's argument on page 4 "Lewis does not disclose determining a distance between the central station and the modules". The examiner respectfully disagrees with the Applicant because Lewis clearly discloses a base station 4 distanced from the sensors 5a-5e (fig. 1).

4. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by

combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Muggli and Lewis are directed to the same field of endeavor, therefore, the references are indeed combinable.

For at least the above reason, the rejection of claims 1-4 is sustained.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ropke (US 6,583,628) discloses a process and device to determine malfunctioning detectors acting as current sinks in a danger signaling system.

Testa et al. (US 5,097,259) discloses line fault isolation system.

Barrieau et al. (US 6,459,370) discloses method and apparatus for determining proper installation of alarm devices.

Goldschmidt (US 5,499,023) discloses method of and apparatus for automated sensor diagnosis through quantitative measurement of one of sensor to earth conductance or loop resistance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is (571) 272-2971. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel WU can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Previl
Examiner
Art Unit 2636

DP
April 30, 2007


BENJAMIN C. LEE
PRIMARY EXAMINER